

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

2005 JAN 27 P 3:10

CIVIL ACTION NO: 05-10048-REK

LAUREN FLORO,
Plaintiff,

v.

**METABOLIFE INTERNATIONAL INC.,
WALGREEN CO., and
WALGREEN EASTERN CO.**

Defendants.

**PLAINTIFF LAUREN FLORO'S REQUEST
FOR ENTRY OF DEFAULT PURSUANT TO FED. R. CIV. P. 55**

TO THE CLERK OF THE ABOVE-NAMED COURT:

I, Paul R. Mastrocola, Attorney for the plaintiff, Lauren Floro, state the following:

1. On or about December 10, 2004, plaintiff Lauren Floro filed her First Amended Complaint in the Commonwealth of Massachusetts Superior Court, Middlesex County.
2. On or about December 10, 2004, defendant Metabolife International, Inc. was served in-hand via Sheriff of the County of San Diego, California, via certified mail with return receipt, and via Federal Express. On or about December 10, 2004, defendants Walgreen Co. and Walgreen Eastern Co. were served in-hand via court appointed process server, via certified mail with return receipt, and via Federal Express.
3. On or about January 6, 2005, defendants filed a Notice of Removal To The United Stated District Court.

4. On or about December 29, 2004, Michael Racette, Esq., counsel for defendants, requested and Plaintiff's counsel agreed to a two-week extension to file Answers to the First Amended Complaint. Affidavit of Paul R. Mastrocola, Esq. In Support Of Request For Entry Of Default, filed herewith, ("Mastrocola Aff."), ¶2.

5. On January 14, 2005, Attorney Racette requested and plaintiff's counsel agreed to an additional week extension to January 21, 2005, for the defendants' Answers to be served. (Mastrocola Aff., ¶3).

6. On Friday, January 21, 2005, Attorney Racette requested and plaintiff's counsel agreed to a third extension for the defendants to file Answers, to Monday, January 24, 2005. (Mastrocola Aff., ¶4).

7. The defendants did not file or serve their Answers on January 24, 2005 as agreed. Attorney Racette did not contact plaintiff's counsel to request any additional extension. (Mastrocola Aff., ¶5).

8. On Tuesday, January 25, 2005, plaintiff's counsel telephoned Attorney Racette to ask the status of the defendants' Answers. Whereupon, Attorney Racette requested a fourth extension of time to Wednesday, January 26, 2005 for the defendants to file their Answers. Plaintiff's counsel agreed to Attorney Racette's fourth request for an extension, notwithstanding that the defendants had failed to file their Answers by the third extended deadline and also failed to contact plaintiff's counsel to request an additional extension. (Mastrocola Aff., ¶6).

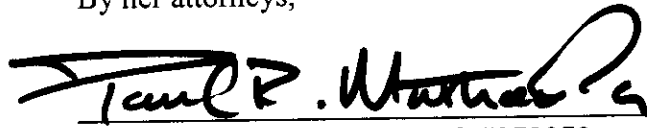
9. As of Thursday, January 27, 2005, counsel for the plaintiff has not been served with any responsive pleadings by the defendants. (Mastrocola Aff., ¶7).

10. The time within which the defendants were required to serve a responsive pleading or otherwise defend pursuant to Fed. R. Civ. P. 12(a) has expired and the defendants herein have failed to serve or file an answer or otherwise defend.

WHEREFORE, the plaintiff, Lauren Floro, makes application that the defendants, Metabolife International, Inc., Walgreen Co., and Walgreen Eastern Co., be defaulted.

Respectfully submitted,

LAUREN FLORO
By her attorneys,



Robert J. O'Regan, Esq., BBO #379970
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Dated: January 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail (by hand) on Jan 27, 2005.

